

Exhibit 1

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8 HSBC BANK USA, N.A.

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12

13 PHILIP WONG, FREDERIC CHAUSSY,
and LESLIE MARIE SHEARN,
14 individually, on behalf of all others
similarly situated, and on behalf of the
15 general public,

16 Plaintiffs,

17 v.

18 HSBC MORTGAGE CORPORATION
(USA); HSBC BANK USA, N.A.; and
19 DOES 1 through 50, inclusive,

20 Defendants.
21

Case No. C 07 2446 MMC (JCS)

**HSBC MORTGAGE CORPORATION
(USA)'S RESPONSE TO PLAINTIFFS'
AMENDED REQUESTS FOR ADMISSION,
SET I**

22 PROPOUNDING PARTY: Plaintiffs PHILIP WONG, FREDERIC CHAUSSY, and
LESLIE MARIE SHEARN (collectively referred to herein as
23 "Plaintiffs")

24 RESPONDING PARTY: Defendant HSBC MORTGAGE CORPORATION (USA)

25 SET NUMBER: ONE, AMENDED BY PLAINTIFFS
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Pursuant to Rule 36 of the Federal Rules of Civil Procedure, Defendant HSBC MORTGAGE CORPORATION (USA) ("Defendant") makes the following objections and responses to Plaintiffs' Amended Requests for Admission (Set 1). The following objections and responses are based upon information presently available to Defendant. The fact that Defendant has objected or responded to any request or part thereof should not be taken as an admission that Defendant accepts or admits the existence of any fact set forth or assumed by Plaintiffs' amended request(s), or that such objection or response constitutes admissible evidence. The fact that Defendant has answered part or all of any amended request is not intended and shall not be construed to be a waiver by Defendant of all or any part of any objections to any amended request. All of the responses made herein are made subject to the objections stated above and any further objection specifically stated.

GENERAL OBJECTIONS

1. The following responses are made without in any way waiving or intending to waive:
 - a. all questions as to competency, relevancy, materiality, privilege, and admissibility as evidence of these answers or their subject matter for any purpose, in any subsequent proceeding in this or any other action;
 - b. the right to object to the use of any said answers, or their subject matter, in any subsequent proceeding in this or any other action;
 - c. the right to object on any ground at any time to a demand for further response to these or any other admissions or other discovery procedures involving or relating to the subject matter of these admissions, and
 - d. the right, at any time, to revise, correct, add to, or clarify any of these responses.
2. Defendant objects to each and every admission to the extent it seeks to discover information protected by the work product doctrine or attorney-client privilege, as defined by statute, rule or common law.
3. Defendant objects to each and every admission to the extent that it seeks information that is neither relevant to the matters at issue in this case nor reasonably calculated to lead to the discovery of admissible evidence.

4. Defendant objects to each and every admission to the extent it seeks to impose obligations beyond the requirements of the Federal Rules of Civil Procedure.

5. Defendant objects to each and every admission to the extent it mischaracterizes evidence, is phrased in a manner that makes the question impossible to answer, and to the extent it is misleading, argumentative, or otherwise improper as to form.

6. Defendant reserves the right to rely upon additional information uncovered in its continuing investigation of this matter, and to supplement its discovery responses accordingly.

7. Defendant denies each and every request for admission, except to the extent otherwise provided for herein.

AMENDED REQUESTS FOR ADMISSION

AMENDED REQUEST FOR ADMISSION NO. 1:

Admit that all Senior Retail Mortgage Lending Consultants and Retail Mortgage Lending Consultants at HSBC Mortgage Corporation (USA) have been classified as “exempt” employees from the provisions of the Fair Labor Standards Act at all times during the applicable statutory periods.

RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 1:

Defendant incorporates its General Objections as though set forth fully herein. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information which is neither relevant to the instant action nor reasonably likely to lead to the discovery of admissible evidence. Defendant objects on the ground that the phrases and/or terms “all,” and “classified” are vague and ambiguous. Defendant also objects to this request on the grounds that it calls for legal argument and/or legal conclusions. Defendant objects to this request on the grounds that it is argumentative and misleading. Defendant objects to this request on the ground that it is compound. Defendant objects to Plaintiffs’ attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time.

Subject to and without waiving the foregoing objections, Defendant responds as follows: Defendant admits that Senior Retail Mortgage Lending Consultants and Retail Mortgage

1 Lending Consultants working for it from May 4, 2004 to the present have been classified as
2 “exempt” from the provisions of the Fair Labor Standards Act.

3 **AMENDED REQUEST FOR ADMISSION NO. 2:**

4 Admit that all Field Administrators and Senior Field Administrators at HSBC
5 Mortgage Corporation (USA) have been classified as “non-exempt” employees from the provisions
6 of the Fair Labor Standards Act at all times during the applicable statutory periods.

7 **RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 2:**

8 Defendant incorporates its General Objections as though set forth fully herein.
9 Defendant also objects to this request on the ground that it is overbroad and therefore seeks
10 information which is neither relevant to the instant action nor reasonably likely to lead to the
11 discovery of admissible evidence. Defendant objects on the ground that the phrases and/or terms
12 “all” and “classified” are vague and ambiguous. Defendant also objects to this request on the
13 grounds that it calls for legal argument and/or legal conclusions. Defendant objects to this request
14 on the grounds that it is argumentative and misleading. Defendant objects to this request on the
15 ground that it is compound. Defendant objects to Plaintiffs’ attempt to conduct discovery at this
16 stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require
17 Defendant to participate in discovery at this time.

18 Subject to and without waiving the foregoing objections, Defendant responds as
19 follows: Defendant admits that Senior Field Administrators and Field Administrators working for it
20 from June 29, 2004 to present have been classified as “non-exempt” from the provisions of the Fair
21 Labor Standards Act.

22 **AMENDED REQUEST FOR ADMISSION NO. 3:**

23 Admit that Defendant classified all Field Administrators and Senior Field
24 Administrators as “non-exempt” employees from the provisions of the Fair Labor Standards Act at
25 all times during the applicable statutory periods.

26 **RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 3:**

27 Defendant incorporates its General Objections as though set forth fully herein.
28 Defendant also objects to this request on the ground that it is overbroad and therefore seeks

information which is neither relevant to the instant action nor reasonably likely to lead to the discovery of admissible evidence. Defendant objects on the ground that the phrases and/or terms “all” and “classified” are vague and ambiguous. Defendant also objects to this request on the grounds that it assumes facts not in evidence and calls for legal argument and legal conclusions. Defendant objects to this request on the grounds that it is argumentative and misleading. Defendant objects to this request on the ground that it is compound. Defendant objects to Plaintiffs’ attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time.

Subject to and without waiving the foregoing objections, Defendant responds as follows: Defendant admits that its Field Administrators and Senior Field Administrators have been classified as “non-exempt” from the provisions of the Fair Labor Standards Act from June 29, 2004 to the present.

AMENDED REQUEST FOR ADMISSION NO. 4:

Admit that there were weeks during the applicable statutory periods that one or more Senior Retail Mortgage Lending Consultants at HSBC Mortgage Corporation (USA) worked more than 40 hours.

RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 4:

Defendant incorporates its General Objections as though set forth fully herein. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information which is neither relevant to the instant action nor reasonably likely to lead to the discovery of admissible evidence. Defendant objects on the ground that the phrase and/or term “applicable statutory period” is vague and ambiguous. The term “applicable statutory period” is not defined and it is inappropriate to incorporate references to definitions contained in documents separate from Plaintiffs’ Request for Admissions. Defendant also objects to this request on the grounds that it assumes facts not in evidence and calls for legal argument and legal conclusions. Defendant objects to this request on the grounds that it is argumentative and misleading. Defendant objects to Plaintiffs’ attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at

1 this time.

2 Subject to and without waiving the foregoing objections, Defendant responds as
3 follows: The request is vague, ambiguous and unintelligible as it does not specify period during
4 which "more than 40 hours" might have been worked. Notwithstanding this vague, ambiguous, and
5 unintelligible request, Defendant admits that it is possible that a Senior Retail Mortgage Lending
6 Consultant may have worked more than forty (40) hours in a workweek during the time period of
7 May 7, 2004 to the present. However, for the time period of May 7, 2004 to the present, Senior
8 Retail Mortgage Lending Consultants have been classified as exempt from the Fair Labor Standards
9 Act and have not been required to track hours worked during any given workweek.

10 **AMENDED REQUEST FOR ADMISSION NO. 5:**

11 Admit that there were weeks during the applicable statutory periods that one or more
12 Retail Mortgage Lending Consultants at HSBC Mortgage Corporation (USA) worked more than 40
13 hours.

14 **RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 5:**

15 Defendant incorporates its General Objections as though set forth fully herein.
16 Defendant also objects to this request on the ground that it is overbroad and therefore seeks
17 information which is neither relevant to the instant action nor reasonably likely to lead to the
18 discovery of admissible evidence. Defendant objects on the ground that the phrase and/or term
19 "applicable statutory period" is vague and ambiguous. The term "applicable statutory period" is not
20 defined and it is inappropriate to incorporate references to definitions contained in documents
21 separate from Plaintiffs' Request for Admissions. Defendant also objects to this request on the
22 grounds that it assumes facts not in evidence and calls for legal argument and legal conclusions.
23 Defendant objects to this request on the grounds that it is argumentative and misleading. Defendant
24 objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature,
25 inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at
26 this time.

27 Subject to and without waiving the foregoing objections, Defendant responds as
28 follows: The request is vague, ambiguous and unintelligible as it does not specify period during

1 which "more than 40 hours" might have been worked. Notwithstanding this vague, ambiguous, and
2 unintelligible request, Defendant admits that it is possible that a Retail Mortgage Lending Consultant
3 may have worked more than forty (40) hours in a workweek during the time period of May 7, 2004
4 to the present. However, for the time period of May 7, 2004 to the present, Retail Mortgage Lending
5 Consultants have been classified as exempt from the Fair Labor Standards Act and have not been
6 required to track hours worked during any given workweek.

7 **AMENDED REQUEST FOR ADMISSION NO. 6:**

8 Admit that there were weeks during the applicable statutory periods that one or more
9 Field Administrators at HSBC Mortgage Corporation (USA) worked more than 40 hours.

10 **RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 6:**

11 Defendant incorporates its General Objections as though set forth fully herein.
12 Defendant also objects to this request on the ground that it is overbroad and therefore seeks
13 information which is neither relevant to the instant action nor reasonably likely to lead to the
14 discovery of admissible evidence. Defendant objects on the ground that the phrase and/or term
15 "applicable statutory period" is vague and ambiguous. The term "applicable statutory period" is not
16 defined and it is inappropriate to incorporate references to definitions contained in documents
17 separate from Plaintiffs' Request for Admissions. Defendant also objects to this request on the
18 grounds that it assumes facts not in evidence and calls for legal argument and legal conclusions.
19 Defendant objects to this request on the grounds that it is argumentative and misleading. Defendant
20 objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature,
21 inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at
22 this time.

23 Subject to and without waiving the foregoing objections, Defendant responds as
24 follows: The request is vague, ambiguous and unintelligible as it does not specify period during
25 which "more than 40 hours" might have been worked. Notwithstanding this vague, ambiguous, and
26 unintelligible request, Defendant admits that it is possible that a Field Administrator may have
27 worked more than forty (40) hours in a workweek during the time period of June 29, 2004 to the
28 present; a review of time records submitted by Field Administrators to Defendant from

1 June 29, 2004 to the present will demonstrate whether or not a Field Administrator worked more
2 than forty (40) hours in a workweek.

3 **AMENDED REQUEST FOR ADMISSION NO. 7:**

4 Admit that there were weeks during the applicable statutory periods that one or more
5 Senior Field Administrators at HSBC Mortgage Corporation (USA) worked more than 40 hours.

6 **RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 7:**

7 Defendant incorporates its General Objections as though set forth fully herein.
8 Defendant also objects to this request on the ground that it is overbroad and therefore seeks
9 information which is neither relevant to the instant action nor reasonably likely to lead to the
10 discovery of admissible evidence. Defendant objects on the ground that the phrase and/or term
11 "applicable statutory period" is vague and ambiguous. The term "applicable statutory period" is not
12 defined and it is inappropriate to incorporate references to definitions contained in documents
13 separate from Plaintiffs' Request for Admissions. Defendant also objects to this request on the
14 grounds that it assumes facts not in evidence and calls for legal argument and legal conclusions.
15 Defendant objects to this request on the grounds that it is argumentative and misleading. Defendant
16 objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature,
17 inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at
18 this time.

19 Subject to and without waiving the foregoing objections, Defendant responds as
20 follows: The request is vague, ambiguous and unintelligible as it does not specify period during
21 which "more than 40 hours" might have been worked. Notwithstanding this vague, ambiguous, and
22 unintelligible request, Defendant admits that it is possible that a Senior Field Administrator may
23 have worked more than forty (40) hours in a workweek during the time period of June 29, 2004 to
24 the present; a review of time records submitted by Senior Field Administrators to Defendant from
25 June 29, 2004 to the present will demonstrate whether or not a Senior Field Administrator worked
26 more than forty (40) hours in a workweek.

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AMENDED REQUEST FOR ADMISSION NO. 8:

Admit that Defendant did not maintain a precise record of the number of overtime hours worked by Senior Retail Mortgage Lending Consultants at HSBC Mortgage Corporation (USA) during the applicable statutory periods.

RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 8:

Defendant incorporates its General Objections as though set forth fully herein. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information which is neither relevant to the instant action nor reasonably likely to lead to the discovery of admissible evidence. Defendant objects on the ground that the phrases and/or terms “overtime hours” and “applicable statutory period” are vague and ambiguous. The term “applicable statutory period” is not defined and it is inappropriate to incorporate references to definitions contained in documents separate from Plaintiffs’ Request for Admissions. Defendant also objects to this request on the grounds that it assumes facts not in evidence and calls for legal argument and legal conclusions. Defendant objects to this request on the grounds that it is argumentative and misleading. Defendant objects to Plaintiffs’ attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time.

Subject to and without waiving the foregoing objections, Defendant responds as follows: Defendant cannot admit or deny the request because it assumes that Defendant’s Senior Retail Mortgage Lending Consultants are or were entitled to “overtime” and thus have worked “overtime” hours during the time period May 7, 2004 to the present. None such facts are in evidence.

AMENDED REQUEST FOR ADMISSION NO. 9:

Admit that Defendant did not maintain a precise record of the number of overtime hours worked by Retail Mortgage Lending Consultants at HSBC Mortgage Corporation (USA) during the applicable statutory periods.

RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 9:

Defendant incorporates its General Objections as though set forth fully herein.

Defendant also objects to this request on the ground that it is overbroad and therefore seeks information which is neither relevant to the instant action nor reasonably likely to lead to the discovery of admissible evidence. Defendant objects on the ground that the phrases and/or terms “overtime hours” and “applicable statutory period” are vague and ambiguous. The term “applicable statutory period” is not defined and it is inappropriate to incorporate references to definitions contained in documents separate from Plaintiffs’ Request for Admissions. Defendant also objects to this request on the grounds that it assumes facts not in evidence and calls for legal argument and legal conclusions. Defendant objects to this request on the grounds that it is argumentative and misleading. Defendant objects to Plaintiffs’ attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time.

Subject to and without waiving the foregoing objections, Defendant responds as follows: Defendant cannot admit or deny the request because it assumes that Defendant’s Retail Mortgage Lending Consultants are or were entitled to “overtime” and thus have worked “overtime” hours from May 7, 2004 to the present. None such facts are in evidence.

AMENDED REQUEST FOR ADMISSION NO. 10:

Admit that Defendant did not maintain a precise record of the number of overtime hours worked by Field Administrators at HSBC Mortgage Corporation (USA) during the applicable statutory periods.

RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 10:

Defendant incorporates its General Objections as though set forth fully herein. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information which is neither relevant to the instant action nor reasonably likely to lead to the discovery of admissible evidence. Defendant objects on the ground that the phrases and/or terms “overtime hours” and “applicable statutory period” is vague and ambiguous. The term “applicable statutory period” is not defined and it is inappropriate to incorporate references to definitions contained in documents separate from Plaintiffs’ Request for Admissions. Defendant also objects to this request on the grounds that it assumes facts not in evidence and calls for legal argument and

1 legal conclusions. Defendant objects to this request on the grounds that it is argumentative and
2 misleading. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action
3 as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to
4 participate in discovery at this time.

5 Subject to and without waiving the foregoing objections, Defendant responds as
6 follows: Defendant cannot admit or deny the request because it assumes that, during the time period
7 June 29, 2004 to the present, Defendant's Field Administrators have worked "overtime," which is a
8 fact not yet in evidence. During the time period June 29, 2004 to the present, Defendant has
9 maintained and does maintains time records of hours worked by its Field Administrators, which
10 Field Administrators complete and provide to Defendant.

11 **AMENDED REQUEST FOR ADMISSION NO. 11:**

12 Admit that Defendant did not maintain a precise record of the number of overtime
13 hours worked by Senior Field Administrators at HSBC Mortgage Corporation (USA) during the
14 applicable statutory periods.

15 **RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 11:**

16 Defendant incorporates its General Objections as though set forth fully herein.
17 Defendant also objects to this request on the ground that it is overbroad and therefore seeks
18 information which is neither relevant to the instant action nor reasonably likely to lead to the
19 discovery of admissible evidence. Defendant objects on the ground that the phrases and/or terms
20 "overtime hours" and "applicable statutory period" are vague and ambiguous. The term "applicable
21 statutory period" is not defined and it is inappropriate to incorporate references to definitions
22 contained in documents separate from Plaintiffs' Request for Admissions. Defendant also objects to
23 this request on the grounds that it assumes facts not in evidence and calls for legal argument and
24 legal conclusions. Defendant objects to this request on the grounds that it is argumentative and
25 misleading. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action
26 as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to
27 participate in discovery at this time.

28 Subject to and without waiving the foregoing objections, Defendant responds as

1 follows: Defendant cannot admit or deny the request because it assumes that, during the time period
2 June 29, 2004 to the present, Defendant's Senior Field Administrators have worked "overtime,"
3 which is a fact not yet in evidence. During the time period June 29, 2004 to the present, Defendant
4 has maintained and does maintains time records of hours worked by its Senior Field Administrators,
5 which Senior Field Administrators complete and provide to Defendant.

6 **AMENDED REQUEST FOR ADMISSION NO. 12:**

7 Admit that one or more full-time Senior Retail Mortgage Lending Consultants
8 working at HSBC Mortgage Corporation (USA) in California since May 7, 2003, took a meal period
9 shorter than 30 minutes on a given workday, without being compensated with an additional hour of
10 pay for that workday.

11 **RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 12:**

12 Defendant incorporates its General Objections as though set forth fully herein.
13 Defendant also objects to this request on the ground that it is overbroad and therefore seeks
14 information which is neither relevant to the instant action nor reasonably likely to lead to the
15 discovery of admissible evidence. Defendant objects on the ground that the phrase and/or term
16 "meal period" is vague and ambiguous. Defendant also objects to this request on the grounds that it
17 assumes facts not in evidence and calls for legal argument and legal conclusions. Defendant objects
18 to this request on the grounds that it is argumentative and misleading. Defendant objects to
19 Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature, inappropriate,
20 unduly burdensome and prejudicial to require Defendant to participate in discovery at this time.

21 Subject to and without waiving the foregoing objections, Defendant responds as
22 follows: Defendant cannot admit or deny the request because it assumes that, during the time period
23 of May 7, 2004 to the present, Defendant's Senior Retail Mortgage Lending Consultants working in
24 California are or were entitled to take a "meal period," that they did not take a "meal period" of at
25 least 30 minutes, and are or were thus entitled to receive an additional hour of pay for a missed
26 "meal period." None of these are facts in evidence.

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AMENDED REQUEST FOR ADMISSION NO. 13:

Admit that one or more full-time Retail Mortgage Lending Consultants working at HSBC Mortgage Corporation (USA) in California since May 7, 2003, took a meal period shorter than 30 minutes on a given workday, without being compensated with an additional hour of pay for that workday.

RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 13:

Defendant incorporates its General Objections as though set forth fully herein. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information which is neither relevant to the instant action nor reasonably likely to lead to the discovery of admissible evidence. Defendant objects on the ground that the phrase and/or term "meal period" is vague and ambiguous. Defendant objects to this request on the ground that it is unintelligible. Defendant also objects to this request on the grounds that it assumes facts not in evidence and calls for legal argument and legal conclusions. Defendant objects to this request on the grounds that it is argumentative and misleading. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time.

Subject to and without waiving the foregoing objections, Defendant responds as follows: Defendant cannot admit or deny the request because it assumes that, during the time period of May 7, 2004 to the present, Defendant's Retail Mortgage Lending Consultants working in California are or were entitled to take a "meal period," that they did not take a "meal period" of at least 30 minutes, and are or were thus entitled to receive an additional hour of pay for a missed "meal period." None of these are facts in evidence.

AMENDED REQUEST FOR ADMISSION NO. 14:

Admit that one or more full-time Senior Field Administrators working at HSBC Mortgage Corporation (USA) in California since May 7, 2003, took a meal period shorter than 30 minutes on a given workday, without being compensated with an additional hour of pay for that workday.

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RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 14:

Defendant incorporates its General Objections as though set forth fully herein. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information which is neither relevant to the instant action nor reasonably likely to lead to the discovery of admissible evidence. Defendant objects on the ground that the phrase and/or term “meal period” is vague and ambiguous. Defendant also objects to this request on the grounds that it assumes facts not in evidence and calls for legal argument and legal conclusions. Defendant objects to this request on the grounds that it is argumentative and misleading. Defendant objects to Plaintiffs’ attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time.

Subject to and without waiving the foregoing objections, Defendant responds as follows: Defendant cannot admit or deny the request because it assumes that, during the time period June 29, 2004 to the present, Defendant’s Senior Field Administrators were entitled to a “meal period” on any given work day, that they did not take a “meal period” of at least 30 minutes, and that they did not receive additional compensation for a missed “meal period,” which are facts not yet in evidence. During the time period June 29, 2004 to the present, Defendant has maintained and does maintains time records of hours worked by its Senior Field Administrators, which Senior Field Administrators complete and provide to Defendant and which include the time Senior Field Administrators have taken as “meal periods.”

AMENDED REQUEST FOR ADMISSION NO. 15:

Admit that one or more full-time Field Administrators working at HSBC Mortgage Corporation (USA) in California since May 7, 2003, took a meal period shorter than 30 minutes on a given workday, without being compensated with an additional hour of pay for that workday.

RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 15:

Defendant incorporates its General Objections as though set forth fully herein. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information which is neither relevant to the instant action nor reasonably likely to lead to the discovery of admissible evidence. Defendant objects on the ground that the phrase and/or term

1 “meal period” is vague and ambiguous. Defendant also objects to this request on the grounds that it
2 assumes facts not in evidence and calls for legal argument and legal conclusions. Defendant objects
3 to this request on the grounds that it is argumentative and misleading. Defendant objects to
4 Plaintiffs’ attempt to conduct discovery at this stage in the action as it is premature, inappropriate,
5 unduly burdensome and prejudicial to require Defendant to participate in discovery at this time.

6 Subject to and without waiving the foregoing objections, Defendant responds as
7 follows: Defendant cannot admit or deny the request because it assumes that, during the time period
8 June 29, 2004 to the present, Defendant’s Field Administrators were entitled to a “meal period” on
9 any given work day, that they did not take a “meal period” of at least 30 minutes, and that they did
10 not receive additional compensation for a missed “meal period,” which are facts not yet in evidence.
11 During the time period June 29, 2004 to the present, Defendant has maintained and does maintains
12 time records of hours worked by its Field Administrators, which Field Administrators complete and
13 provide to Defendant and which include the time Field Administrators have taken as “meal periods.”

14 **AMENDED REQUEST FOR ADMISSION NO. 16:**

15 Admit that one or more Senior Retail Mortgage Lending Consultants working at
16 HSBC Mortgage Corporation (USA) in California since May 7, 2003, did not take two, ten-minute
17 rest periods on a given workday, without being compensated with an additional hour of pay for that
18 workday.

19 **RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 16:**

20 Defendant incorporates its General Objections as though set forth fully herein.
21 Defendant also objects to this request on the ground that it is overbroad and therefore seeks
22 information which is neither relevant to the instant action nor reasonably likely to lead to the
23 discovery of admissible evidence. Defendant objects on the ground that the phrase and/or term “rest
24 periods” is vague and ambiguous. Defendant also objects to this request on the grounds that it
25 assumes facts not in evidence and calls for legal argument and legal conclusions. Defendant objects
26 to this request on the grounds that it is argumentative and misleading. Defendant objects to
27 Plaintiffs’ attempt to conduct discovery at this stage in the action as it is premature, inappropriate,
28 unduly burdensome and prejudicial to require Defendant to participate in discovery at this time.

1 Subject to and without waiving the foregoing objections, Defendant responds as
2 follows: Defendant cannot admit or deny the request because it assumes that, during the time period
3 of May 7, 2004 to the present, Defendant's Senior Retail Mortgage Lending Consultants working in
4 California are or were entitled to take a "two, ten-minute rest periods on a given workday," that they
5 did not take ten-minute rest periods, and are or were thus entitled to receive an additional hour of
6 pay for a missed "rest period." None of these are facts in evidence.

7 **AMENDED REQUEST FOR ADMISSION NO. 17:**

8 Admit that one or more Retail Mortgage Lending Consultants working at HSBC
9 Mortgage Corporation (USA) in California since May 7, 2003, did not take two, ten-minute rest
10 periods on a given workday, without being compensated with an additional hour of pay for that
11 workday.

12 **RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 17:**

13 Defendant incorporates its General Objections as though set forth fully herein.
14 Defendant also objects to this request on the ground that it is overbroad and therefore seeks
15 information which is neither relevant to the instant action nor reasonably likely to lead to the
16 discovery of admissible evidence. Defendant objects on the ground that the phrase and/or term "rest
17 periods" is vague and ambiguous. Defendant also objects to this request on the grounds that it
18 assumes facts not in evidence and calls for legal argument and legal conclusions. Defendant objects
19 to this request on the grounds that it is argumentative and misleading. Defendant objects to
20 Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature, inappropriate,
21 unduly burdensome and prejudicial to require Defendant to participate in discovery at this time.

22 Subject to and without waiving the foregoing objections, Defendant responds as
23 follows: Defendant cannot admit or deny the request because it assumes that, during the time period
24 of May 7, 2004 to the present, Defendant's Retail Mortgage Lending Consultants working in
25 California are or were entitled to take a "two, ten-minute rest periods on a given workday," that they
26 did not take ten-minute rest periods, and are or were thus entitled to receive an additional hour of
27 pay for a missed "rest period." None of these are facts in evidence.

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AMENDED REQUEST FOR ADMISSION NO. 18:

Admit that one or more Field Administrators working at HSBC Mortgage Corporation (USA) in California since May 7, 2003, did not take two, ten-minute rest periods on a given workday, without being compensated with an additional hour of pay for that workday.

RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 18:

Defendant incorporates its General Objections as though set forth fully herein. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information which is neither relevant to the instant action nor reasonably likely to lead to the discovery of admissible evidence. Defendant objects on the ground that the phrase and/or term "rest periods" is vague and ambiguous. Defendant also objects to this request on the grounds that it assumes facts not in evidence and calls for legal argument and legal conclusions. Defendant objects to this request on the grounds that it is argumentative and misleading. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time.

Subject to and without waiving the foregoing objections, Defendant responds as follows: Defendant cannot admit or deny the request because it assumes that, during the time period June 29, 2004 to the present, Defendant's Field Administrators were entitled to "two, ten-minute rest periods on a given workday," that they did not take ten-minute rest periods, and that they did not receive additional compensation for a missed "rest period," which are facts not yet in evidence. During the time period June 29, 2004 to the present, Defendant has maintained and does maintains time records of hours worked by its Field Administrators, which Field Administrators complete and provide to Defendant.

AMENDED REQUEST FOR ADMISSION NO. 19:

Admit that one or more Senior Field Administrators working at HSBC Mortgage Corporation (USA) in California since May 7, 2003, did not take two, ten-minute rest periods on a given workday, without being compensated with an additional hour of pay for that workday.

RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 19:

Defendant incorporates its General Objections as though set forth fully herein.

Defendant also objects to this request on the ground that it is overbroad and therefore seeks information which is neither relevant to the instant action nor reasonably likely to lead to the discovery of admissible evidence. Defendant objects on the ground that the phrase and/or term “rest period” is vague and ambiguous. Defendant also objects to this request on the grounds that it assumes facts not in evidence and calls for legal argument and legal conclusions. Defendant objects to this request on the grounds that it is argumentative and misleading. Defendant objects to Plaintiffs’ attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time.

Subject to and without waiving the foregoing objections, Defendant responds as follows: Defendant cannot admit or deny the request because it assumes that, during the time period June 29, 2004 to the present, Defendant’s Senior Field Administrators were entitled to “two, ten-minute rest periods on a given workday,” that they did not take ten-minute rest periods, and that they did not receive additional compensation for a missed “rest period,” which are facts not yet in evidence. During the time period June 29, 2004 to the present, Defendant has maintained and does maintain time records of hours worked by its Senior Field Administrators, which Senior Field Administrators complete and provide to Defendant.

AMENDED REQUEST FOR ADMISSION NO. 20:

Admit that Senior Retail Mortgage Lending Consultants and Retail Mortgage Lending Consultants working at HSBC Mortgage Corporation (USA) are also known as “loan officers.”

RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 20:

Defendant incorporates its General Objections as though set forth fully herein. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information which is neither relevant to the instant action nor reasonably likely to lead to the discovery of admissible evidence. Defendant objects on the ground that the phrase and/or term “known” is vague and ambiguous. The request does not define who may know Senior Retail Mortgage Lending Consultants and Retail Mortgage Lending Consultants as “loan officers.” Defendant objects to this request on the ground that it is compound. Defendant objects to Plaintiffs’

1 attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly
2 burdensome and prejudicial to require Defendant to participate in discovery at this time.

3 Subject to and without waiving the foregoing objections, Defendant responds as
4 follows: Defendant admits that Senior Retail Mortgage Lending Consultants and Retail Mortgage
5 Lending Consultants working for it for the time period May 7, 2004 to the present have also been
6 known as or called "loan officers."

7 **AMENDED REQUEST FOR ADMISSION NO. 21:**

8 Admit that Field Administrators and Senior Field Administrators working at HSBC
9 Mortgage Corporation (USA) are also known as "sales assistants."

10 **RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 21:**

11 Defendant incorporates its General Objections as though set forth fully herein.
12 Defendant also objects to this request on the ground that it is overbroad and therefore seeks
13 information which is neither relevant to the instant action nor reasonably likely to lead to the
14 discovery of admissible evidence. Defendant objects on the ground that the phrase and/or term
15 "known" is vague and ambiguous. The request does not define who may know Field Administrators
16 and Senior Field Administrators as "sales assistants." Defendant objects to this request on the
17 ground that it is compound. Defendant objects to Plaintiffs' attempt to conduct discovery at this
18 stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require
19 Defendant to participate in discovery at this time.

20 Subject to and without waiving the foregoing objections, Defendant responds as
21 follows: Defendant admits that Senior Field Administrators and Field Administrators working for it
22 for the time period June 29, 2004 to the present have also been known as or called "sales assistants."

23 **AMENDED REQUEST FOR ADMISSION NO. 22:**

24 Admit that Philip Wong has been employed as a Senior Retail Mortgage Lending
25 Consultant or Retail Mortgage Lending Consultant from December 2005 to the present.

26 **RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 22:**

27 Defendant incorporates its General Objections as though set forth fully herein.
28 Defendant further objects to this request on the ground that it seeks information which is equally

1 available to Plaintiff. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in
2 the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant
3 to participate in discovery at this time.

4 Subject to and without waiving the foregoing objections, Defendant responds as
5 follows: Defendant admits that Philip Wong was employed as a Senior Retail Mortgage Lending
6 Consultant from December 5, 2005 to November 19, 2006. Defendant also admits that Philip Wong
7 has been and is currently employed as a Retail Mortgage Lending Consultant from
8 November 20, 2006 to the present.

9 **AMENDED REQUEST FOR ADMISSION NO. 23:**

10 Admit that Philip Wong has performed services for HSBC Mortgage Corporation
11 USA in San Francisco, San Mateo, and Alameda counties.

12 **RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 23:**

13 Defendant incorporates its General Objections as though set forth fully herein.
14 Defendant further objects to this request on the ground that it seeks information which is equally
15 available to Plaintiff. Defendant further objects to this request on the grounds that discovery is not
16 complete and that trial preparation is ongoing, and Defendant cannot reasonably be expected to
17 formulate a complete response at this stage. Defendant objects on the ground that the phrase and/or
18 term "performed services" is vague and ambiguous. Defendant objects to this request on the ground
19 that it is compound. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the
20 action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to
21 participate in discovery at this time.

22 Subject to and without waiving the foregoing objections, Defendant responds as
23 follows: Defendant admits that it maintains office space or is permitted to use office space in San
24 Francisco and Alameda Counties. At this time, Defendant does not have enough information to
25 admit or deny whether Philip Wong "performed services" for it in all three counties of San
26 Francisco, San Mateo, and Alameda.

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AMENDED REQUEST FOR ADMISSION NO. 24:

Admit that Frederic Chaussy was employed as a Senior Retail Mortgage Lending Consultant or Retail Mortgage Lending Consultant from April 2006 until April 2007.

RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 24:

Defendant incorporates its General Objections as though set forth fully herein. Defendant further objects to this request on the ground that it seeks information which is equally available to Plaintiff. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time.

Subject to and without waiving the foregoing objections, Defendant responds as follows: Defendant admits that Frederic Chaussy was employed as a Senior Retail Mortgage Lending Consultant from April 3, 2006 to November 19, 2006. Defendant also admits that Frederic Chaussy was employed as a Retail Mortgage Lending Consultant from November 20, 2006 to April 19, 2007.

AMENDED REQUEST FOR ADMISSION NO. 25:

Admit that Frederic Chaussy performed services for HSBC Mortgage Corporation USA in San Francisco, San Mateo, Santa Clara, and Alameda counties.

RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 25:

Defendant incorporates its General Objections as though set forth fully herein. Defendant further objects to this request on the ground that it seeks information which is equally available to Plaintiff. Defendant further objects to this request on the grounds that discovery is not complete and that trial preparation is ongoing, and Defendant cannot reasonably be expected to formulate a complete response at this stage. Defendant objects on the ground that the phrase and/or term "performed services" is vague and ambiguous. Defendant objects to this request on the ground that it is compound. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time.

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Subject to and without waiving the foregoing objections, Defendant responds as follows: Defendant admits that it maintains office space or is permitted to use office space in San Francisco and Alameda Counties. At this time, Defendant does not have enough information to admit or deny whether Frederic Chaussy “performed services” for it in all three counties of San Francisco, San Mateo, and Alameda.

AMENDED REQUEST FOR ADMISSION NO. 26:

Admit that Lisa Marie Shearn was employed as a Field Administrator, Senior Field Administrator, and Senior Retail Mortgage Lending Consultant from September 2001 until November 2006.

RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 26:

Defendant incorporates its General Objections as though set forth fully herein. Defendant further objects to this request on the ground that it seeks information which is equally available to Plaintiff. Defendant objects to this request on the ground that it is compound. Defendant objects to Plaintiffs’ attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time.

Subject to and without waiving the foregoing objections, Defendant responds as follows: Defendant denies this request, as it does not have a “Lisa Marie Shearn” listed as an employee in its records. Assuming that Plaintiffs are seeking information related to Leslie Marie Shearn and that the request asks for information about Leslie Marie Shearn, Defendant denies this request.

AMENDED REQUEST FOR ADMISSION NO. 25: [SIC]

Admit that Lisa Marie Shearn performed services for HSBC Mortgage Corporation USA in Orange County, New York, and Bergen and Morris Counties, in New Jersey.

RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 25:

Defendant incorporates its General Objections as though set forth fully herein. Defendant further objects to this request on the ground that it seeks information which is equally available to Plaintiff. Defendant further objects to this request on the grounds that discovery is not

1 complete and that trial preparation is ongoing, and Defendant cannot reasonably be expected to
2 formulate a complete response at this stage. Defendant objects on the ground that the phrase and/or
3 term “performed services” is vague and ambiguous. Defendant objects to this request on the ground
4 that it is compound. Defendant objects to Plaintiffs’ attempt to conduct discovery at this stage in the
5 action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to
6 participate in discovery at this time.

7 Subject to and without waiving the foregoing objections, Defendant responds as
8 follows: Defendant denies this request, as it does not have a “Lisa Marie Shearn” listed as an
9 employee in its records. Assuming that Plaintiffs are seeking information related to Leslie Marie
10 Shearn and that the request asks for information about Leslie Marie Shearn, Defendant admits that it
11 maintains office space or is permitted to use office space in Orange County, New York and Morris
12 County, New Jersey. At this time, Defendant does not have enough information to admit or deny
13 whether Leslie Marie Shearn “performed services” for it in all three counties of Orange, New York,
14 Bergen, New Jersey, and Morris, New Jersey.

15 **AMENDED REQUEST FOR ADMISSION NO. 26:**

16 Admit that at all times during the statutory period, HSBC Mortgage Corporation USA
17 has had gross operating revenues in excess of \$500,000.00.

18 **RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 26:**

19 Defendant incorporates its General Objections as though set forth fully herein.
20 Defendant also objects to this request on the ground that it is overbroad and therefore seeks
21 information which is neither relevant to the instant action nor reasonably likely to lead to the
22 discovery of admissible evidence. Defendant objects on the ground that the phrase and/or term
23 “gross operating revenues” is vague and ambiguous. Defendant objects to Plaintiffs’ attempt to
24 conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome
25 and prejudicial to require Defendant to participate in discovery at this time.

26 Subject to and without waiving the foregoing objections, Defendant responds as
27 follows: Defendant admits that from May 7, 2004 to the present it has had gross operating revenues
28 in excess of \$500,000.00.

AMENDED REQUEST FOR ADMISSION NO. 27:

Admit that at all times during the statutory period, HSBC Bank USA has had gross operating revenues in excess of \$500,000.00.

RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 27:

Defendant incorporates its General Objections as though set forth fully herein. Defendant also objects to this request on the ground that it is overbroad and therefore seeks information which is neither relevant to the instant action nor reasonably likely to lead to the discovery of admissible evidence. Defendant objects on the ground that the phrase and/or term “gross operating revenues” is vague and ambiguous. Defendant objects to Plaintiffs’ attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time.

Subject to and without waiving the foregoing objections, Defendant responds as follows: Defendant cannot admit or deny the request because it is not authorized to respond to financial inquiries, regarding HSBC Bank USA. However, on information and belief, Defendant believes that HSBC Bank USA has had gross operating revenues in excess of \$500,000.00 from May 7, 2004 to the present.

AMENDED REQUEST FOR ADMISSION NO. 28:

Admit that on February 21, 2007, Frederic Chaussy filed a claim relating to wage violations with the California Department of Labor Standards Enforcement (DLSE).

RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 28:

Defendant incorporates its General Objections as though set forth fully herein. Defendant objects on the ground that the phrases and/or terms “filed,” “claim,” and “wage violations” are vague and ambiguous. Defendant further objects to this request on the ground that it seeks information which is equally available to Plaintiff. Defendant objects to Plaintiffs’ attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time.

Subject to and without waiving the foregoing objections, Defendant responds as follows: Defendant admits, on information and belief, that Frederic Chaussy filed a complaint and

1 claim with the California Department of Labor Standards Enforcement (DLSE), Case No. 07-60632
 2 DK. Defendant denies the implication that it committed unspecified wage violations.

3 **AMENDED REQUEST FOR ADMISSION NO. 29:**

4 Admit that on February 23, 2007, Frederic Chaussy discussed his DLSE complaint
 5 with Amy S. Ku, Vice President and Senior Retail Lending Manager for Northern California.

6 **RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 29:**

7 Defendant incorporates its General Objections as though set forth fully herein.
 8 Defendant further objects to this request on the ground that it seeks information which is equally
 9 available to Plaintiff. Defendant further objects to this request on the grounds that discovery is not
 10 complete and that trial preparation is ongoing, and Defendant cannot reasonably be expected to
 11 formulate a complete response at this stage. Defendant objects to Plaintiffs' attempt to conduct
 12 discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and
 13 prejudicial to require Defendant to participate in discovery at this time.

14 Subject to and without waiving the foregoing objections, Defendant responds as
 15 follows: Defendant admits that Frederic Chaussy discussed his DLSE complaint with a
 16 representative(s) of HSBC Mortgage. Defendant further admits that Amy S. Ku's title was "Vice
 17 President, Senior Retail Lending Manager, Northern California" on or around February 23, 2007.

18 **AMENDED REQUEST FOR ADMISSION NO. 30:**

19 Admit that on February 26, 2007, HSBC Mortgage Corporation USA received notice
 20 from the DLSE that Mr. Chaussy's complaint was received and would be heard on April 10, 2007.

21 **RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 30:**

22 Defendant incorporates its General Objections as though set forth fully herein.
 23 Defendant objects on the ground that the phrases and/or terms "received notice," "was received,"
 24 and "heard" are vague and ambiguous. Defendant objects to Plaintiffs' attempt to conduct discovery
 25 at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to
 26 require Defendant to participate in discovery at this time.

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1 Subject to and without waiving the foregoing objections, Defendant responds as
2 follows: Defendant admits that it received notice from the DLSE regarding Frederic Chaussy's
3 complaint and that the claim would be processed by the DLSE.

4 **AMENDED REQUEST FOR ADMISSION NO. 31:**

5 Admit that from April 3, 2006 until March 5, 2007, Frederic Chaussy received no
6 performance-related corrective action.

7 **RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 31:**

8 Defendant incorporates its General Objections as though set forth fully herein.
9 Defendant objects on the ground that the phrases and/or terms "received" and "performance-related
10 corrective action" are vague and ambiguous. Defendant also objects to this request on the grounds
11 that it assumes facts not in evidence and calls for legal argument and legal conclusions. Defendant
12 objects to this request on the grounds that it is argumentative and misleading. Defendant objects to
13 Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature, inappropriate,
14 unduly burdensome and prejudicial to require Defendant to participate in discovery at this time.

15 Subject to and without waiving the foregoing objections, Defendant responds as
16 follows: Defendant denies this request.

17 **AMENDED REQUEST FOR ADMISSION NO. 32:**

18 Admit that on March 5, 2007, Frederic Chaussy discussed his DLSE complaint with
19 Jeff P. Needham, Senior Vice President Western Division.

20 **RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 32:**

21 Defendant incorporates its General Objections as though set forth fully herein.
22 Defendant further objects to this request on the grounds that discovery is not complete and that trial
23 preparation is ongoing, and Defendant cannot reasonably be expected to formulate a complete
24 response at this stage. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in
25 the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant
26 to participate in discovery at this time.

27 Subject to and without waiving the foregoing objections, Defendant responds as
28 follows: Defendant admits that Frederic Chaussy discussed his DLSE complaint with a

1 representative(s) of HSBC Mortgage. Defendant further admits that Jeff P. Needham's title was
 2 "Senior Vice President, Division Manager" on or around March 5, 2007.

3 **AMENDED REQUEST FOR ADMISSION NO. 33:**

4 Admit that on March 5, 2007, Jeff P. Needham admonished Frederic Chaussy for the
 5 first time regarding deficient productivity.

6 **RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 33:**

7 Defendant incorporates its General Objections as though set forth fully herein.
 8 Defendant objects on the ground that the phrases and/or terms "admonished" and "deficient
 9 productivity" are vague and ambiguous. Defendant further objects to this request on the grounds
 10 that discovery is not complete and that trial preparation is ongoing, and Defendant cannot reasonably
 11 be expected to formulate a complete response at this stage. Defendant also objects to this request on
 12 the grounds that it assumes facts not in evidence and calls for legal argument and legal conclusions.
 13 Defendant objects to this request on the grounds that it is argumentative and misleading. Defendant
 14 objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature,
 15 inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at
 16 this time.

17 Subject to and without waiving the foregoing objections, Defendant responds as
 18 follows: Defendant admits only that one or more of Defendant's representatives discussed Frederic
 19 Chaussy's deficient performance and productivity with Mr. Chaussy.

20 **AMENDED REQUEST FOR ADMISSION NO. 34:**

21 Admit that prior to March 5, 2007, Frederic Chaussy's productivity was comparable
 22 to that of his colleagues who were not admonished.

23 **RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 34:**

24 Defendant incorporates its General Objections as though set forth fully herein.
 25 Defendant objects on the ground that the phrases and/or terms "productivity," "comparable,"
 26 "colleagues," and "admonished" are vague and ambiguous. Defendant further objects to this request
 27 on the grounds that discovery is not complete and that trial preparation is ongoing, and Defendant
 28 cannot reasonably be expected to formulate a complete response at this stage. Defendant objects to

1 this request on the ground that it seeks to invade the privacy of third parties without compelling need
2 therefor. Defendant also objects to this request on the grounds that it assumes facts not in evidence
3 and calls for legal argument and legal conclusions. Defendant objects to this request on the grounds
4 that it is argumentative and misleading. Defendant objects to Plaintiffs' attempt to conduct
5 discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and
6 prejudicial to require Defendant to participate in discovery at this time.

7 Subject to and without waiving the foregoing objections, Defendant responds as
8 follows: Defendant cannot admit or deny the request because whether Defendant "admonishes" an
9 employee regarding productivity depends on the individual circumstances of the situation.
10 Moreover, Defendant cannot admit or deny the request because the request fails to identify the other
11 "colleagues" with whom Frederic Chaussy's productivity would be compared.

12 **AMENDED REQUEST FOR ADMISSION NO. 35:**

13 Admit that on March 7, 2007, for the first time, Frederic Chaussy received a written
14 warning regarding his performance from HSBC Mortgage Corporation USA.

15 **RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 35:**

16 Defendant incorporates its General Objections as though set forth fully herein.
17 Defendant objects on the ground that the phrases and/or terms "written warning" and "performance"
18 are vague and ambiguous. The term "written warning" is not defined and, although the term
19 "written" may imply a document that has been memorialized through writing, not all policies and
20 employers define a "written warning" as actually being memorialized through writing. Defendant
21 also objects to this request on the grounds that it assumes facts not in evidence and calls for legal
22 argument and legal conclusions. Defendant objects to this request on the grounds that it is
23 argumentative and misleading. Defendant objects to Plaintiffs' attempt to conduct discovery at this
24 stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require
25 Defendant to participate in discovery at this time.

26 Subject to and without waiving the foregoing objections, Defendant responds as
27 follows: Defendant admits only that Frederic Chaussy received disciplinary warnings regarding
28 deficient performance and productivity.

AMENDED REQUEST FOR ADMISSION NO. 36:

Admit that HSBC Mortgage Corporation USA's human resources policies require 30 days' trial period between an initial and a final written warning.

RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 36:

Defendant incorporates its General Objections as though set forth fully herein. Defendant objects on the ground that the phrases and/or terms "policies," "trial period" and "initial and final written warning" are vague and ambiguous. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time.

Subject to and without waiving the foregoing objections, Defendant responds as follows: Defendant denies this request.

AMENDED REQUEST FOR ADMISSION NO. 37:

Admit that on April 4, 2007, Frederic Chaussy received a "Final Written Warning."

RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 37:

Defendant incorporates its General Objections as though set forth fully herein. Defendant objects on the ground that the phrase and/or term "Final Written Warning" is vague and ambiguous. Defendant further objects to this request on the ground that it seeks information which is equally available to Plaintiff. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time.

Subject to and without waiving the foregoing objections, Defendant responds as follows: Defendant admits that Frederic Chaussy received disciplinary warnings regarding deficient productivity, including a document entitled, "Final Written Warning-Production/Performance."

AMENDED REQUEST FOR ADMISSION NO. 38:

Admit that on April 10, 2007, Frederic Chaussy and HSBC Mortgage Corporation USA's Vice President of Human Resources testified in a DLSE hearing regarding his wage claim.

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RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 38:

Defendant incorporates its General Objections as though set forth fully herein. Defendant further objects to this request on the ground that it seeks information which is equally available to Plaintiff. Defendant objects on the ground that the phrases and/or terms “testified” and “hearing” are vague and ambiguous. Defendant also objects to this request on the grounds that it calls for legal argument and/or legal conclusions. Defendant objects to Plaintiffs’ attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time.

Subject to and without waiving the foregoing objections, Defendant responds as follows: Defendant admits only that Mr. Chaussy and Human Resources representative appearing on behalf of HSBC Mortgage attended a DLSE proceeding.

AMENDED REQUEST FOR ADMISSION NO. 39:

Admit that on April 10, 2007, HSBC Mortgage Corporation USA acknowledged one or more wage violations at a DLSE hearing.

RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 39:

Defendant incorporates its General Objections as though set forth fully herein. Defendant objects on the ground that the phrases and/or terms “acknowledged,” “wage violations,” and “hearing” are vague and ambiguous. Defendant also objects to this request on the grounds that it assumes facts not in evidence and calls for legal argument and legal conclusions. Defendant objects to this request on the grounds that it is argumentative and misleading. Defendant objects to Plaintiffs’ attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time.

Subject to and without waiving the foregoing objections, Defendant responds as follows: Defendant admits only that a Human Resources representative appeared on behalf of HSBC Mortgage at a DLSE proceeding related to Mr. Chaussy’s DLSE claim. Defendant denies the implication that it acknowledged or committed unspecified wage violations.

AMENDED REQUEST FOR ADMISSION NO. 40:

Admit that on April 19, 2007, Frederic Chaussy was discharged.

RESPONSE TO AMENDED REQUEST FOR ADMISSION NO. 40:

Defendant incorporates its General Objections as though set forth fully herein. Defendant objects on the ground that the phrase and/or term "discharged" is vague and ambiguous. Defendant further objects to this request on the ground that it seeks information which is equally available to Plaintiff. Defendant objects to Plaintiffs' attempt to conduct discovery at this stage in the action as it is premature, inappropriate, unduly burdensome and prejudicial to require Defendant to participate in discovery at this time.

Subject to and without waiving the foregoing objections, Defendant responds as follows: Defendant admits only that on April 19, 2007 Frederic Chaussy's employment was terminated for deficient productivity.

Dated: October 19, 2007



MICHELLE R. BARRETT
LITTLER MENDELSON
A Professional Corporation
Attorneys for Defendants
HSBC MORTGAGE CORPORATION (USA) and
HSBC BANK NSA, N.A.

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